IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

W.P. 1757 of 2001 (MB)
Old No - 4160/1999

Tehri Garhwal Motor Owners Corp. Pvt. Ltd.,
& another …….. Petitioners

Versus

State of U.P. & others …… Respondents.

Hon. P. C. Verma, A.C.J.
Hon. Rajesh Tandon, J.

Heard the Advocate on behalf of Mr. V.B.S. Negi, learned counsel for the petitioners and Mr. K.P. Upadhyaya, learned Standing counsel for the State.

This writ petition has been filed by the petitioners seeking a writ of certiorari to quash Clause 5 of the Government Order dated 1.12.1998 so far as it affects the petitioners.

By the impugned order, certain conditions have been imposed for declaring the Nazul land, which is under the lease of a person like the petitioner, to be a freehold. The conditions, if not fulfilled, the property shall not be declared to be freehold.

It is a policy decision, which cannot be interfered with. However, at this stage, the learned counsel for the petitioner is not in a position to inform this Court as to whether this Government Order is still in operation or not. Petitioners have stated that a lease was granted in his favour in 1958, which was renewed in the year 1981, which was valid uptill 1985. No interference can be made under Article 226 of the Constitution of India. However, liberty is given to the petitioners to approach the appropriate forum for his grievances.

Petition is dismissed. No order as to costs.

(P. C. Verma, A.C.J.) **(Rajesh Tandon, J.)**

Dt.24.02.2004
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